

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

AARON B. STALEY and his wife,)
TANESIA STALEY,)
)
Plaintiffs,) Case No. _____
)
v.)
)
WACKER POLYSILICON NORTH) Removed from the Circuit Court
AMERICA, LLC, a Tennessee limited) of Bradley County, Tennessee
liability company,) Docket No. V-21-360
)
Defendant.)

NOTICE OF REMOVAL

Defendant Wacker Polysilicon North America LLC (“WPNA”), in accordance with 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes Docket No. V-21-360, and all claims and causes of action asserted therein, from the Circuit Court of Bradley County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Chattanooga Division. This Court has original jurisdiction over this matter under 28 U.S.C. § 1332 because Plaintiffs Aaron B. Staley and Tanesia Staley and WPNA have complete diversity of citizenship, and the amount in controversy exceeds \$75,000. In support, WPNA states as follows:

I. BACKGROUND

1. On July 15, 2021, Plaintiffs commenced this action in the Circuit Court of Bradley County, Tennessee, by filing a Complaint, titled *Aaron B. Staley and his wife Tanesia Staley v. Wacker Polysilicon North America, LLC, a Tennessee limited liability company*, Docket No. V-21-360 (the “State Court Action”).

2. WPNA was served with the State Court Action on July 22, 2021.

3. True and correct copies of all process, pleadings, and orders in the State Court Action are attached as **Exhibit A**.

4. The Complaint asserts a claim for negligence. Plaintiffs seek compensatory damages, post-judgment interest, expenses, and costs.

II. TIMELINESS AND VENUE

5. WPNA was served with a copy of the Complaint on July 22, 2021. This Notice of Removal is therefore timely filed within thirty days as required by 28 U.S.C. § 1446(b)(1).

6. This Court is the proper place to file this Notice of Removal under 28 U.S.C. §§ 1441 and 1446(a), because it is the federal district court and division that embraces the place where the original action was filed and is pending. Bradley County is in the Chattanooga Division of the Eastern District of Tennessee.

III. SUBJECT-MATTER JURISDICTION

7. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1332, because this is a civil action between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a).

8. Plaintiffs are citizens of the State of Tennessee. (**Ex. A**, Compl., ¶ 1.)

9. WPNA, a limited liability company, has the citizenship of its sole member, Wacker Chemical Corporation. *See V & M Star, LP v. Centimark Corp.*, 596 F.3d 354, 356 (6th Cir. 2010) (“[L]imited liability companies have the citizenship of each partner or member.” (internal quotation marks omitted)). Wacker Chemical Corporation is a corporation organized under the laws of the State of Delaware and has its principal place of business in the State of Michigan. Thus, WPNA is a citizen of Delaware and Michigan for diversity purposes.

10. Because Plaintiffs are citizens of Tennessee, and because WPNA is a citizen of Delaware and Michigan, there is complete diversity among the parties as required under 28 U.S.C. §§ 1332(a) and 1441(b).

11. Pursuant to 28 U.S.C. § 1446(c)(2)(B), removal is proper on the basis of an amount in controversy if a court finds, by the preponderance of the evidence, that the amount in controversy exceeds \$75,000.00.

12. Plaintiffs request compensatory damages in the amount of \$750,000.00. (*See Ex. A*, Compl. at 5.)

IV. NOTICE TO STATE COURT

13. In accordance with 28 U.S.C. § 1446(d), WPNA will promptly give written notice of this Notice of Removal to Plaintiffs and will file a copy of this Notice of Removal with the Circuit Court of Bradley County, Tennessee, in the State Court Action.

14. Under 28 U.S.C. § 1446(a), WPNA has filed all documents, including process, pleadings, and orders, filed in the State Court Action. A true and correct index of the State Court Action's docket sheet is attached as **Exhibit B** to this Notice of Removal.

V. RESERVATION OF RIGHTS AND DEFENSES

15. WPNA maintains that Plaintiffs' Complaint is without merit. By filing this Notice of Removal, WPNA does not waive, and in fact expressly reserves, any and all rights and defenses available to it, including without limitation all defenses to the Complaint.

16. WPNA expressly reserves the right to amend or supplement this Notice of Removal should any aspect of this removal and/or the information set forth herein be challenged.

WHEREFORE, WPNA files this Notice of Removal and removes this civil action to the United States District Court for the Eastern District of Tennessee at Chattanooga.

Respectfully submitted,

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***Counsel for Defendant Wacker Polysilicon
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CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2021, a copy of the foregoing was filed electronically with the Clerk's office by using the CM/ECF system and served electronically and/or via first-class U.S. mail, postage prepaid, upon all counsel as indicated below. Parties may also access this filing through the Court's ECF system.

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